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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,342	01/22/2002	Saul R. Dooley	GB 010008	9262

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EXAMINER

PHAM, LAM P

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 04/30/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,342

Applicant(s)

DOOLEY ET AL.

Examiner

Lam P Pham

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 13 rejected under 35 U.S.C. 102(b) as being anticipated by Layson, Jr. (US 5,731,757).

Regarding claims 1-3, Layson discloses a mobile device (12) comprising a GPS receiver (44) and an audible alarm configured to sound through speaker (46), during the operation of the GPS receiver, due to a loss of GPS signal from the GPS satellites (14) as seen in Figures 1; col. 3, lines 45-54, col. 4, lines 1-3, col. 8, lines 60-67 and col. 9, lines 1-3 and 24-28. The loss of GPS signal by the GPS receiver means there is an event adverse to the performance of the GPS receiver including obstruction of transmission link by clouds, buildings and other structures, or low battery or malfunction or orientation or motion or movement of GPS receiver resulting in the inability of the GPS receiver to acquire or track a GPS signal or to obtain or maintain a position fix.

Regarding claims 13, Layson discloses the mobile communication device (12) comprising a transceiver (40) for two-way communication with a base station, a GPS receiver (44) and an alarm configured to activate in response to the device receiving a request transmitted from the base station (22) for the device to return GPS

pseudorange measurements or a position fix obtained using the GPS receiver as seen in col. 3, lines 18-23, 36-38, 45-57 and col. 9, lines 24-28.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7, 14-17 rejected under 35 U.S.C. 103(a) as being unpatentable over **Layson Jr.** (US 5,731,757).

Regarding claim 7, Layson fails to disclose the audible alarm comprising pre-recorded verbal instructions to either reposition the mobile communication device, to refrain from moving the device or to curb moving the device. However, Layson disclose the mobile communication device (12) able to notify the subject or wearer of the commands, instructions, violations and warning by messages through audio means using digitized voice message or audio tone message or visual means using alpha numeric text display (48) as seen in col. 8, lines 60-65, and col. 9, lines 1-8. Since it has been known by a mobile communication device user to move the device to an open space, to a higher position or reposition the mobile communication device when the signal received is getting weaker or less audible because of obstruction by building, trees or other factors, thus, it would have been obvious to one skilled artisan to utilize pre-recorded verbal instructions or voice message or text display to instruct or remind

the user to reposition the mobile communication device, to refrain from moving the device or to move to open space in order to improve reception of the GPS signal.

Regarding claims 14-17, Layson fails to disclose the audible alarm comprising pre-recorded verbal instructions to either reposition the mobile communication device, to refrain from moving the device or to curb moving the device. However, Layson disclose the mobile communication device (12) able to notify the subject or wearer of the commands, instructions, violations and warning by messages through audio means using digitized voice message or visual means using alpha numeric text display (48) as seen in col. 8, lines 60-65, and col. 9, lines 1-8 and since it has been known by a mobile communication device user to move the device to an open space, to a higher position or reposition the mobile communication device when the signal received is getting weaker or less audible because of obstruction by building, trees or other factors, thus, it would have been obvious to one skilled artisan to utilize pre-recorded verbal instructions or voice message or text display to instruct or remind the user to reposition the mobile communication device, to refrain from moving the device or to move to open space in order to improve reception of the GPS signal.

4. Claims 4-6 rejected under 35 U.S.C. 103(a) as being unpatentable over Layson, Jr. in view of **Odagiri et al.** (US 5,905,460).

Regarding claim 4, Layson fails to disclose the alarm is configured to sound during the operation of GPS receiver, in response to the movement of the GPS receiver that is adverse to the performance of the receiver.

However, Odagiri disclose the device having body motion or movement detector for detecting when a user is walking or running that cause the GPS mobile device to move, as a result, this movement is adverse to performance of the GPS receiver and cause stopping the operation for receiving GPS wave temporarily instead of generating an alarm as seen in Figure 10; col. 3, lines 13-36; col. 6, lines 7-67 and col. 7, lines 1-16. Odagiri still fail to disclose the alarm is sounded in response to the movement of the GPS receiver that is adverse to the performance of the GPS receiver. Since Odagiri teaches of disabling the operation for receiving GPS signal when the GPS receiver is moved due to movement of the user for conserving energy and also teaches of generating an alarm for an antenna position that is easy for receiving operation, it would have been obvious to one of ordinary skilled in the art to alternatively make the device to generate an alarm signal for letting the user know when the GPS receiver is moved and can't continue to receive GPS signals. Thus, it would have been obvious to one skilled artisan to incorporate the teaching of Odagiri into the device of Layson to alert a user when there is an event adverse to the performance of the GPS receiver that would interrupt the communication of the device with a central station.

Regarding claim 5, Layson and Odagiri fail to disclose the alarm is configured to sound in response to acceleration of the GPS receiver. Since Odagiri teaches of disabling the operation for receiving GPS signal when the GPS receiver is moved due to movement of the user for conserving energy and also teaches of generating an alarm for an antenna position that is easy for receiving operation, it would have been obvious to one of ordinary skilled in the art to alternatively make the device to generate an alarm

signal for letting the user know when the GPS receiver is moved or accelerated and can't continue to receive GPS signals. It would also have been obvious to realize that movement of GPS receiver including acceleration due to the running or walking of the user.

Regarding claim 6, Layson fail to disclose an accelerometer to measure acceleration of the GPS receiver and the alarm is configured to sound in response to an output from the accelerometer. Odagiri disclose the GPS receiver further comprises an accelerator sensor for detecting movement or acceleration of the user resulting in acceleration or movement of the GPS receiver as seen in Figure 10; col. 6, lines 10-35. thus, it would have been obvious to one of ordinary skilled in the art to incorporate the accelerator sensor into the device of Layson to measure acceleration and generate the alarm in response to movement or acceleration.

5. Claims 8-11 rejected under 35 U.S.C. 103(a) as being unpatentable over **Odagiri et al.** (US 5,905,460).

Regarding claim 8, Odagiri disclose a mobile device comprising a GPS receiver and an alarm (109) configured to activate at a predetermined time prior to receiving GPS signal for processing to remind a user of a lapsed distance and time when he/she is moving and also to conserve battery life as seen in Figures 9-12; col. 5, lines 43-67, col. 6 and col. 7, lines 1-67 and col. 8, lines 1-16.

However, Odagiri fail to disclose the GPS receiver is a digital receiver and the alarm is activated at a predetermined time prior to sampling received signals. Digital

GPS receiver or analog receiver are alternatives, however, digital receiver reduces noises or interference as well known, thus it would have been obvious to one of ordinary skilled in the art to use digital receiver over analog receiver. In the system using digital GPS receiver, the alarm configured to activate at a predetermined time prior to receiving GPS signal is also an alarm activated at predetermined time prior to sampling received GPS signal since the time is set in advance.

Regarding claim 9, Odagiri disclose the alarm (109) is an audible alarm, a buzzer, as seen in Figure 10; col. 6, lines 30-35.

Regarding claim 10, Odagiri fail to disclose the audible alarm comprising pre-recorded verbal instructions to either reposition the mobile device, to refrain from moving the device or to curb moving the device. However, Layson disclose the mobile communication device (12) able to notify the subject or wearer of the commands, instructions, violations and warning by messages through audio means using digitized voice message or visual means using alpha numeric text display (48) as seen in col. 8, lines 60-65, and col. 9, lines 1-8 and since it has been known by a mobile communication device user to move the device to an open space, to a higher position or reposition the mobile communication device when the signal received is getting weaker or less audible because of obstruction by building, trees or other factors, thus, it would have been obvious to one skilled artisan to utilize pre-recorded verbal instructions or voice message or text display to instruct or remind the user to reposition the mobile communication device, to refrain from moving the device or to move to open space in order to improve reception of the GPS signal.

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Regarding claim 11, Odagiri disclose the device comprising display (108), wherein the alarm is a visual alarm, a light (109), disposed proximity to the display instead of displaying on the display. Since visual alarms including lights as well as a display are well known in the art, whether the visual alarm is displayed on the display or in proximity to the display is a matter of design choice as long the alarm is easily viewed by the user.

6. Claim 12 rejected under 35 U.S.C. 103(a) as being unpatentable over **Odagiri et al.** in view of Layson.

Regarding claim 12, **Odagiri** fail to disclose the visual alarm comprising instruction. Layson disclose the mobile communication device (12) able to notify the subject or wearer of the commands, instructions, violations and warning by messages through audio means using digitized voice message or visual means using alpha numeric text display (48) as seen in col. 8, lines 60-65, and col. 9, lines 1-8 and since it has been known by a mobile communication device user to move the device to an open space, to a higher position or reposition the mobile communication device when the signal received is getting weaker or less audible because of obstruction by building, trees or other factors, thus, it would have been obvious to one skilled artisan to utilize pre-recorded verbal instructions or voice message or text display to instruct or remind the user to reposition the mobile communication device, to refrain from moving the device or to move to open space in order to improve reception of the GPS signal.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McCarthy (US 5,373,548) disclose an out-of-range warning system for cordless telephone.

McClelland et al. (US 6,33,438) disclose an audible warning prior to loosing cell call in progress.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lam P Pham whose telephone number is 703-306-4181. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on 703-305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are 703-306-6743 for regular communications and 703-306-6743 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Lam Pham
April 19, 2004



JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600